

c. 8.1007 / SINGLE BENCH

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 1295 / 2005

PETITIONER

Brajesh Kumar Singh, S/o.
Shri Kamta Prasad Singh, aged
32 years, Occupation-
Sarpanch, R/o. Village & Post -
Bargawan, District Surguja.

VERSUS

RESPONDENTS

1. State of Chhattisgarh through
Secretary, Panchayat & Rural
Welfare Department,
Mantralaya, D.K.S.Bhavan,
Raipur (C.G.)
2. Director, Panchayat, State of
Chhattisgarh, Raipur (C.G.)
3. Collector, Surguja at
Ambikapur (C.G.)
4. Chief Executive Officer, Janpad
Panchayat, Ambikapur.
5. Urmila Devi, W/o. Ramdev,
aged 42 years, Occupation-
Housewife (Ex-Sarpanch),
Village-Bargawan, District
Surguja at Ambikapur.
6. Durga Prasad Choubey, s/o.
Ram Narayan Choubey,
Occupation-ExSecretary,
Grampanchayat-Bargawan,
R/o. Village Bargawan, District
Surguja (C.G.)

P.R. No. 1284/05
Presented by Shri. Pankaj Sonam
dated 24-03-05

RECEIVED-COPY
24-3-05

CLERK to A. G. BILASPUR

**WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF
INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR
DIRECTION.**

आदेश पत्रक

मामला क्रमांक WP 1295/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13-09-2006 Shri D.N. Prajapati, learned counsel for the petitioner. Shri Arun Sao, learned Govt. Advocate for the State/ respondents No.1 to 3. None for respondent No.4. Shri Gurudev Sharan, learned counsel for respondents No.5 & 6. Arguments heard. Order dictated as follows. <u>ORAL ORDER</u> By way of this writ petition filed under Article 226/227 of the Constitution of India the petitioner, who is an elected Sarpanch of Gram Panchayat Bargawan, has prayed for taking action against the respondents No.5 & 6 who were the Ex-Sarpanch and Ex-Secretary of the said Gram Panchayat and it has also been prayed that appropriate directions should be issued against the State authorities to make appointment of Secretary of Gram Panchayat, Bargawan. (2) The brief facts, as stated by learned counsel for the petitioner, are that previously respondent No.5 was the Sarpanch and respondent No.6 was the Secretary of the Gram Panchayat Bargawan. Later on both the respondents were removed and ultimately the petitioner was elected as	

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	the Sarpanch of the aforesaid Gram Panchayat. Learned counsel submits that thereafter the petitioner made various reports to the higher authorities regarding financial irregularities committed by the respondents No.5 & 6, but no action on the said reports have been taken by the State authorities. It is also submitted that though the post of Secretary is lying vacant since long back, the State is not taking any steps for appointment of Secretary for the Gram Panchayat, due to which the work of Gram Panchayat is being affected. He prays for appropriate directions in this regard also. (3) Return on behalf of respondents No.1 to 3 has been filed. Vide para 9 and 10 of the aforesaid return, which is in reply to para 5.5 and 5.6 of the petition, it has been stated that the alleged irregularities, which have been said to be committed by the Ex-Sarpanch are being enquired by the Officer deputed for this purpose. It has further been pleaded that if any irregularity is detected, the Ex-Sarpanch will be dealt with in accordance with the Rules. It has further been very specifically stated that the alleged irregularities committed by Ex-Sarpanch and Ex-Secretary are being enquired into by the concerned Officer and action will be taken against them as above. A document (Annexure-R-1/1) has also been filed in support of the said contention of the State. The aforesaid document is a	

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	memo bearing No.564 dated 15-3-2005 by which the Deputy Director, Panchayat and Social Welfare, Sarguja, has directed the Chief Executive Officer, Janpad Panchayat Ambikapur, District Sarguja, for enquiring into the allegations made in the complaint against the respondents within a period 15 days. A copy of the complaint was also annexed alongwith the said memo. (4) These are the facts, placed on record by the State, which go to show that the steps regarding enquiry have been taken by the State and it is learnt that if on the preliminary enquiry the private respondents are found guilty, they will be dealt with in accordance with law. (5) Learned Govt. Advocate, appearing on behalf of the State, also assures that as soon as the enquiry report is received, further action shall be taken. However, he also submits that since a long period has elapsed from 15-3-2005, the action must have already been taken in this behalf. (6) About the second grievance regarding the appointment of the Secretary, learned counsel for the petitioner submits that the Ex-Secretary namely respondent No.6 (Durga Prasad Choubey), after his removal had filed legal proceedings before the statutory authority, against which a	

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	petition bearing W.P.No.1215/2006 is separately filed by the Sarpanch of Gram Panchayat Bargawan i.e. the petitioner herein and on this ground, he is not pressing this relief in the present writ petition. (7) In view of what has been stated earlier, this petition is finally disposed of with the observation that if on the enquiry made in pursuance to memo dated 15-3-2005 some financial irregularities are <i>prima facie</i> found to be committed by respondents No.5 and 6, the State will take necessary actions against them on the said enquiry report in accordance with law. (8) For early action, a copy of this order shall be produced before the District Collector by the petitioner alongwith an application so that further delay may not occur in this matter.	Sd/- Sunil Kumar Sinha Judge

Gowri

(पीछे देखिये)

15/9/06